

1884-009 Chancery Causes: Thomas J. Ely & vs. William A. Babb &
Lee Co.

Cecil, Surgenor, Davault, Muncy

-Correspondence

CA-Estate Dispute
T-Property

To the Honorable John A Kelly Judge of the
Circuit Court of Lee County Virginia.

Humbly complaining your orators
Thomas J Ely & G. T. Cecil would respectfully
represent and show your honor that at the
August term 1880 of the County Court of said
County, William A Balch was appointed by said
County Court, Guardian for Mary J Danault &
Jacob C Danault minor heirs at law of
Russell B Danault deceased, and the said
Wm A Balch, together with your orators and
A. R. Surgenor his securities, entered into
and acknowledged a bond as such guardian
in the penalty of \$1500⁰⁰ conditioned according
to law, (a copy of said bond is herewith filed
marked "A") and took charge of the estate of his
said wards, which consisted ^{of} ~~principally~~ ^{of} ~~principally~~ of a
fund in the hands of James W Jayne former
guardian for said minors, and which fund was
turned ~~forward~~ over by said Jayne to said Balch
on the 31st day of August 1880, as is shown by
said Balch's receipt to said Jayne, a copy of
which is herewith filed marked "B", and
amounted to the sum of \$472.18, and your or-
ators are informed this is all the estate that
came to the hands of said Guardian (Balch).
The said Wm A Balch continued as Guardian
for his said wards until about the day of

1882. at which time he removed to, and now is a citizen of, the State of Arkansas, taking his said wards with him.

Your orators will now show your honor that the said Wm A Balb never made any settlement of his guardianship account with a commissioner, as was, by law, his duty to do, but before his removal from this county, disposed of his entire property both real and personal (except a small portion of his personal property which he carried with him) by sale to the said A. R. Surgener, but your orators are informed and allege that the said Surgener is still indebted to said Balb, on his said purchase, in a sum more than sufficient to cover any liability that may be ascertained to exist against your orators on account of their said suretyship.

Now the object of this bill is to have settlement made of the guardianship account of the said Wm A Balb, guardian for his said wards, and to ascertain the extent of his liability to his said wards, for which his securities in his official bond are responsible, and to subject to the payment and discharge of said liability, the fund in the hands of defendant Surgener owing to said Balb. And your orators being without remedy, except in a court of chancery, ask your honor

to take cognizance of their case. To this end they make Wm A Balch, A.R. Surgener, Mary J Danautt & Jacob C Danautt parties defendants to this bill, and ask that they be required to answer the same on oath, that the said Surgener answer and state the amount in his hands due his codefendant, Balch; that a guardian ad litem be appointed to answer for the infant defendants, and that order of publication be made against the nonresidents; and that proper process issue, and that the estate of the said Balch in this State be attached, whether in the hands of said Surgener or elsewhere, and held subject to the future order of the Court, and on a final hearing, that your honor appoint a commissioner to state & settle the account of said Balch guardian for his said wards, and ascertain his liability to them for which your orators may be held responsible, and that a decree be rendered, subjecting, to the payment of said liability, the fund in the hands of said Surgener; and that your honor take charge of said fund by the appointment of a Receiver or otherwise as may be proper, and that the same be held subject to the liability of said guardian to his said wards, and that your orators be released from further liability as securities for said guardian in his said official bond.

direct on account, of
and of indebtedness.

^{1 R.D. & O.}
Thomas J. Ely et al
vs. Bilbin Chancery.
Jm A. Balch et al.

1883, Jan'y 18th. O.P. & Cont'd.
" Feb. Spca Exec'd on adult
home debts. G. A. L. ap'd
for infant debts & his bus.
" Mr. O. P. Compt'd. Decree
vici vs home adult debts
Confirmed & set for hearing
by Plaintiffs.
1883 March, Decree & Cont'd.
" Aug. Decree & Cont'd.
" Novr. order Cont'd.
1884 March Decree final

It. Clerk, \$8.36
" Court 102. 7.50
" 15.00
" 5.00
" 5.00
" 5.00
\$41.36

And that your honor grant your orators such
general and special relief as is entitled to
your orators case. And as in duty bound
they will ever pray.

Richmond Duncan & Or.
for Respondents.

Refer to a commission
to ascertain the and what
Surgens owes an account
of 17 1/2 years 15 what to
the money due as
guardian, and
also a lien on the
Surgens indebtedness
for his wife
due from both

To the Hon. John A. Kelly Judge of
The Circuit Court of Lee County Va
Your Petitioner James J. Muncy
Guardian of Jacob C. & Mary J. Davanet
humbly complaining sheweth unto
your Honor. That Wm. A. Babb who was
the former guardian of said infant
had due him a debt from one
A. R. Surgenor, S. S. Surgenor and James
W. Orr, for which they on the 19th day
of March 1881 executed their bond for
the sum of \$415.02, due & payable one
day after date, this bond is now
due your petitioner having been turned
over to him by said Babb. The said
Surgenor, A. R. is also due your petitioner
on an order from said Babb, the sum
of \$78. due as of Aug. 29th 1883. These sums
are fully shown by said note and
order here to the court-shown marked
A. & B. as part. hereof. These debts are
admitted by said Surgenor, and the note
is the same bond mentioned in the plffs
bill. Your Petitioner asks that he be
made a party in room and stead of said
Babb, and that said obliges be decreed to
pay said bond over to him, and that A. R.
Surgenor be decreed to pay the said \$78

also to your petitioner. Your petitioner
 would further represent that his words should
 not be subject to costs in this suit
 because they are nowise in fault. But
 that said Babb or the plffs should be
 held liable therefor as your petitioner
 is in duty bound ever pray.

A L Primmer
 for Petitioner

James J. Murcym

Wm J. Ely et al

Filed March Term 1884

D. A. Hyatt
 clerk

Chas 134

To the Hon. John A. Kelley, Judge of
the Circuit Court of Lee County, Va.
The answer of Wm A. Orr, Guardian
ad litem for Mary J. Davault and
Jacob B. Davault, Infants &c to a
Bill filed in this Court by Thomas
J. Cole and others against his said
wards and others.

This Respondent Answering says, That
he knows of no defense necessary
to be made or that he can make
for these infants, But knowing
the relation which Courts of
Equity have to Infants in matters
of this sort, Your Respondent
begs leave to place the rights
and interests of these Infants
into your Honor's hands.

Having answered as fully as
is deemed necessary respondent
begs to be hence dismissed with
his costs.

Wm A. Orr, Guardian
ad litem

Sworn to before me by Wm A. Orr. Feb 1888.
James W. Orr, Comr
in Chancery.

Wm A. Orr, Guardian
ad litem
ad J. Answer

Thomas J. Ely et al
Filed at Feb Rules 1883.
J. A. Hyatt
clerk

chr 134

Fee \$5 - Paid by
L. J. Ely.

To the Honorable John A Kelly Judge of the circuit
court of Lee county Virginia.

The answer of A. R. Engener to a bill filed in
this Honorable court against this respondent and
others by Thomas J Ely & others. This respondent
for answer to said bill, or so much thereof as
he is advised it is material or necessary for
him to answer, answering says, He is indebted
to his codefendant Wm A Babb in a sum
^{greater than}
~~exceeding~~ the amount shown in this cause, by
Cmr. Hyatt's report, to be due from said Babb
Guardian for Mary J. & Jacob C Danault to his
said wards (\$562.37), Part of his said indebted-
ness to his codefendant is purchase money for
land and part of his said indebtedness, about
\$400⁰⁰, is for borrowed money, and ^{is} a part of
the fund in said Guardian's hands of his said
wards. And having now answered as fully
as he is advised it is necessary or material,
respondent prays to be hence dismissed with
his costs.

Richmond Duncan & Orr.
for respondent.

Virginia, Lee County, to wit.

This day A. R. Sargener personally appeared before me and made oath that the facts stated in the foregoing answer are true so far as stated upon his own knowledge and so far as stated upon information derived from others he believes them to be true.

Given under my hand, Sept 3rd 1883.

James W Orr, Comr in
Chancery.

A. R. Sargener
ado { answer.
Thos J Ealy et al.

Thomas J. Ely et al
Against
Wm A. Babb Guardian &c. deft. } Incl
This cause came on again this day
to be heard upon the papers formerly
read; the report of Comm. John A. G.
Hyatt filed March 10-1884, to which there
are no exceptions; and the petition of
James J. Muncy Guardian &c. ~~to which~~
filed at this term of the Court and to
which defendant A. R. Surgenor, by
counsel enters his appearance ^{and waives further process} and
the cause being argued by counsel -
It is adjudged ordered and decreed
that James J. Muncy present Guardian
recover from A. R. Surgenor, on
account of his indebtedness to Wm A.
Babb former guardian, the sum of
\$379. 24 and legal interest thereon
from the 31st day of March 1884 - And
that this sum when so paid to said
Guardian by said Surgenor, shall be
a proper credit to said Surgenor in
his settlement with said Babb, and
shall constitute a credit to said Babb
in the settlement of said Babb's Guardi-
anship accounts, of the words mentioned
in said bill. It is further adjudged

ordered and decreed, that said Surgenner
 pay the costs of this suit, out of any other
 money that may be due from him to
 said Babb; which costs are hereby de-
 creed to the plff against said Babb and
 when so said shall constitute a further
 Credit to said Surgenner, on his settlement
 with said Babb, but the costs herein
 decreed are not to be charged to the
 infant or their guardian, nor shall
 they constitute any Credit to said Babb
 in his guardianship account. - Execution
 may issue for the sums hereunder, and
 no further action being necessary the
 cause is stricken from the docket with
 leave to either party to reinstate the
 same for the purpose of enforcing
 this decree. - And the cause is stricken
 from the docket.

Thomas J. Ealy et al

v. Decree General

William A. Babb et al

March 1. 1884

Entered page 377

J. H. Wyatt
 clk

Entered this
 March 28, 1884
 J. H. Wyatt

Thomas J Ely et al

Pluffs

against

In chancery.

Mr A Babb et als. Defts

Gifts

This cause came on again this day to be further

heard upon the papers formerly read in the

cause and the report of J. A. G. Hyatt Comr. &c

and was argued by Counsel, and on Considera

tion thereof, said report is recommended to said
said Court in addition to the matter heretofore referred-
^{to}

said Comr. in addition to the matter heretofore referred to ^{to him} Comr., and ~~he~~ [^] will further ascertain and report

~~the~~ amount which defendant Eugene owes

to defendant Balik, on account of the money

horroured by him from said Bahle as Guardian

for Mary J. & Jacob C. Danant, And the cause

is continued.

Thomas J. Ely et al
vs ³ Deere
Wm A. Bales et al

Entered page 331
J. A. Hyatt
clerk

Enter
J. H. K.
Sept 3/83

Chw 134

Thomas J. Eey et al. — Plff

vs. — La chey,
William A Bobb et al. — Defendants

This cause came on this 4th day of April 1883. to be heard upon the bill of the Plaintiffs and exhibits filed therewith. The answer of the infant Defendants by Wm A Orr Their guardian ad litem and was argued by counsel - and it appearing to the Court that process and order of attachment has been duly served upon the Defendant A R Surgenor for more than 30 days before the 1st day of this Term, and that order of publication has been duly made posted, published and completed against William A Bobb, the non resident defendant the time required by law and that each of said defendants have failed to appear answer plead or answer the bill is taken for confessed, as to them, On consideration whereof it is adjudged ordered and decreed That John A. G. Hyatt one of the Commissioners of this Court do state and settle the guardian account of William A Bobb guardian of the infant heirs of R. B. Davault decd. That the funds in the hands of A R Surgenor due to the Defendant Wm A Bobb, be held subject to the further order of this Court. But before said Commissioner proceeds to state and settle said account of said guardian

J. J. Ely et al
vs. $\frac{1}{3}$ Deere

M^{re} A. Babb et al

Entered page 313,
J. A. Hyatt
Clerk

Enter this decree

J. A. K.

Apr 4th 1883

Chas 134.

As above advised he will give said
Babb. notice of the time and place
of his sitting and the advice as to require
ed to discharge under this decree
he will report his opinion to Court and
this cause is continued

Thos. J. Ely et al
vs

Plffs

In Chancery

Wm A. Babb Guar. to

Defts

The deposition of A. R. Surgenor
taken at the time of taking an
account in the above styled
Cause, on the 10th March 1884,
at the Clerk's office of Lee Circuit
Court

A. R. Surgenor a witness of
lawful age being duly sworn
deposes and says -

The note which I executed to the
Deft. Babb, Guar. to on the 19th day
of March 1881, for \$415.52, is all
that I now said Babb - as Guardian,
As stated in my answer filed
in this Cause - I am indebted
to said Babb in a much larger
sum than his indebtedness on
account of his Guardianship to
said minor heirs herein mentioned.

A. R. Surgenor

Sworn to before me March 10th 1884.

J. A. S. Hyatt

Clerk

depos
which will be January 1st 1885.

Thos. J. Ely et al
vs ^{joint} Depo.

Wm. A. Babb Guar

Filed March 10 1884

J. A. Hyatt
clerk

(A)

Thos J. Ely et al Defts }
vs } In Chancery
Wm. A. Babb et al Defts }

This day Thos. J. Ely Jeff
in the above styled Cause person-
ally appeared before me in my
Office, and made oath in due
form that Mr A Babb - one of
the defts is a non resident of
this State, Given under my hand to
J. A. Hyatt clerk

Thos. J. Ely et al
vs
3 Affidavit

Wm. A. Babb et al

Thos J. Ely et al Plffs }
vs } In Chancery
Wm. A. Babb et al Defts. }

To the Hon. Jno A. Kelly Judge
of the Circuit Court for Lee County Va.

By a decree entered in this cause
on the 4th April 1883, the undersigned
Court was directed, after giving the debt
Babb written notice &c, to take, state and
settle the guar. account of said Babb -
as guar for the minor heirs of R. B. Dawant
decd. And by reference to a letter,
in answer to my notice, from said
Babb marked "C," and herewith filed;
it will appear that I gave the notice
required. And I have on this the
1st day of August 1883, proceeded
to state said guar. account, by
reference to a copy of a receipt which
said Babb as guar. gave to James W. Jayne
the former guar. on the 31st Aug 1880,
herewith filed marked "A." There appears
to have come to his hands as such
guar. the sum of \$472.18, and this
is the only amount which I am informed
of his having received; and by reference
to statement of his account herewith
filed marked "B." it will be seen that

I charged said Guar. with this amount
\$472.18 and with annual interest added
to the principal each year, down to
the 31st day of August 1883, which
statement results in finding in
said Guardians hands on the 31st
day of August 1883, the sum of
\$562.37 due his said wards. As
appears by a statement in his said
letter he expended a small amount
for books & tuition, but no proper
voucher appears therefor; it is
also alleged that the deft Surgeon
owes him a note, which is not ren-
ewed, for \$415.53 how this may
be I am not prepared to say;
however these facts are not
material nor do they alter his
indebtedness to his said wards.

Respectfully submitted
J. A. Hyatt Comr.

Thos. J. Ely et al
vs ⁱⁿ Court Report
William A. Babb et al

Filed Aug 13th 1883.
J. A. Hyatt
clerk

Court fee \$5.00

Chd 134

To the Hon. Jm. A. Kelly Judge &c.

The undersigned having been appointed a Special Commissioner by your Honor in the Chancery Cause of Thos. J. Elget al vs Wm. A. Babb Guar. &c now pending &c. by a decree entered therein at the August Term 1883, & which directed the amount, which defendant Surgenor owed to said Babb, on account of the money borrowed by him from said Babb as Guardian &c, ascertained.

Respectfully reports, that by Mr. Surgenor's deposition here filed marked "A." it will appear that the only amount he owes said Babb as Guar. &c is the note a copy of which is herewith filed marked "B." executed on the 19th March 1881, for \$415.52, although Mr. Surgenor did not renew said note annually, he agrees and allows Babb compound interest which I calculate on said note to March 31st 1884, making the aggregate amount of said note and interest on said date the sum of \$495.15 - see Exhibit "C." I have also shown by Statement "D." of said Guardians account herewith filed, that said Guardian owes to his said wards on the 31st March 1884, the sum of \$579.24, and after

giving said Guar. Credit for the
Amount owing to him by said Surgeon
as such Guardian, leaves him still
owing to his said wards the sum
of \$84.09 on the 31st March 1884.

Said Surgeon is indebted to said
Babb. on other business relations to
a greater extent than this amount
but said indebtedness is not due nor
payable till the 1st January 1885.
See also Surgeons Depo. marked "A."

All of which is respectfully

Submitted

J. A. Hyatt

March 10th 1884.

Thos. J. Ealy et al
vs
Borris 2nd Report

Wm. A. Babb Guar & Co

Filed March 10/1884

J. A. Hyatt
Clerk

Courts fee - - - \$2.50

Received Jonesville Va. August 31st 1880. of
James W. Jayne former Guardian of Mary J. &
Jacob C. Davault minor heirs of R. B. Davault
decd. One note executed to said Guardian by
Joseph A. Blakemore & James J. Muncy March
19th 1880. due ⁱⁿ one day and for \$403.60 Four hun-
dred & three & ⁶⁰/₁₀₀ dollars, Also one note on the
said Blakemore & Muncy executed by them to said
Guardian May 1st 1881. for \$48.00 Forty eight dol-
lars, due March 20th 1881. with interest from date,
and Eight dollars & Eighty six cents in cash, which
said notes together with their interest to date
& the said cash amounts in the aggregate to
the sum of \$472.18 and cover the amount in
said Jaynes hands as late Guardian for said
wards, as shown by his settlement this day made
by Commissioner James W. Orr.

William A. Babb. Guardian
for Mary J. & Jacob C. Davault.

Attest

Leate John R. Gibson Clerk

Wm L Babbler
and
Is Copy of Receipt
Geo. W. Gayne Secy

2/2

KNOW ALL MEN BY THESE PRESENTS, THAT WE,

Wm. A. Babb, Y. V. Cecil, A. R. Sargener & Tho. G. Ely

of LEE COUNTY, are held and firmly bound unto **THE COMMONWEALTH OF VIRGINIA**, in the sum of *one thousand five hundred* dollars; to which payment, well and truly to be made to the said Commonwealth, we bind ourselves jointly and severally, firmly by these presents. Witness, our hands and seals, this *day of* *1870*.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above bound *Wm. A. Babb* has been appointed Guardian for

Mary D. Babb, C. Davault

minor heirs at law of *Russell B. Davault*

deceased:

Now, if the said *Wm. A. Babb*

shall faithfully perform and discharge the duties of his office of *Guardian* aforesaid, then the above obligation to be void, otherwise to remain in full force and virtue.

Acknowledged in Court.

William A. Babb Seal
Tho. G. Ely Seal
Y. V. Cecil Seal
A. R. Sargener Seal

Seal

Teste John R. Gibson Clerk

Mrs A Babb Guard
L Bond \$15000
The Commonwealth

CP

Wm. A. Babb. Guar. for Mary J. & Jacob C. Davault
Minor heirs of R. B. Davault decd

To his said wards

On

1881 To this sum rec'd of Jas. W. Jayne their former Guar.
Aug 31st on the 31st Aug 1880, as per receipt filed in said

Jayne's final settlement (pr. copy A.) \$472. 18

To this sum interest thereon to Aug. 31st 1881 28 33

Total assets August 31st 1881. 500. 51

1882. Aug 31st Interest thereon to Aug 31st 1882 50. 03

1883 Aug 31st Interest thereon to Aug 31st 1883. \$530. 54
31 83

Total assets due Aug 31st 1883. \$562. 37

Ym A. Babb Guar for
Mary J. & Jacob C. Davault
Statement of his acct

DD

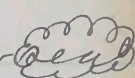
#4 15. 52

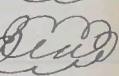
One day after date we bind ourselves heirs &c to pay Wm. A. Babb Guardian for Jacob C. & Mary J. Davault minor heirs at law of R. B. Davault deceased Four hundred & fifteen $\frac{52}{100}$ Dollars for value received of him. "And we hereby waive the benefit of our homestead exemptions as to this debt." Witness our hands and seals. March 19th 1881.

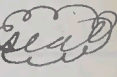
Attest.

J. A. Hyatt

Clerk

A. R. Surgenor 

S. S. Surgenor 

James W. Orr security 

Thos. J. Ely et al
vs ³ copy of A.R.
Surgeon Note.
Wm A. Babb Quar

(B.)

Note on A.R. Surgeon et al, copy here filed, executed to
Wm. A. Babb Guarant with interest from March 19th 1881 \$415. 52

Interest thereon one Year, to March 19th 1882 24. 96
\$440. 48

Interest on this sum one Year to March 19th 1883. 26 42
\$466 87

Interest on " " to March 31st 1884. 28 25
\$495. 12

S. J. Ely et al
vs Arnth Surgeon
Note
m A. Babb Quar

(6)

Wm A. Babb Guar. for Mary J. & Jacob C.
Davant minor heirs of R. B. Davant decd.

1884

To his said Wards

Dr.

March 31st To this sum due as appears by last statement (B)

in this cause filed August 31st 1883. . . . \$562.37

Interest to March 31st 1884. 16.87

To this sum Total due wards Mar 31st 1884 \$579.24

By " " auth Note on Surgenor Mar 31st 1884 \$495.15

" " " Amt necessary to Square 84 09 \$579.24


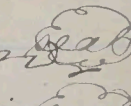
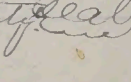
Amt due wards March 31st 1884 \$84.09

Wm. A. Babb. Guar to
as $\frac{2}{3}$ Statement of Guar. acct.
Thos. J. Ely, et al.

(C)

\$415-52

One day after date we bind ourselves,
heirs &c to pay to Wm A Balch Guardian
for Jacob C. & Mary J Danault, minor heirs
at law of R. B. Danault decd. Four hundred
& fifteen & $\frac{52}{100}$ dollars for value received
of him. And we hereby waive the benefit
of our homestead exemptions as to this debt.
Witness our hands and seals. March
19th 1881

A. N. Surgenor 
S. S. Surgenor 
James W Orr, Secy. 

Mr A B Sangner
Sir Please pay to
James J Muncy \$78
sevent eight dollars
or their a bout it bein
g the money the more
y I ow the heirs of
R B Davarult
an this shal be
your reciept for the
same. This Aug 29th

1883
William A Babb

J. J. Muncy and
his, to file
petition, in the
suit of - Ely and
Cecil against
Wm A. Babb and
A. R. Surgenor.
Jan. 26th 1884

Billings by Wash^{ton}

Co Ark

July 7th 1883

Mr A A Hyatt yours
of June the 20th came
to hand this morning
I was glad to hear from
you as to the business
you want about I want
to you to tend to it for
me as I can't be there in
person I wish I could
be as to papers I have
none but one note on
A. R. Surgenor the amount
is \$400.15 and 52 cts
give March 19th 1881
I tried to get a settle-
ment and a new note
before I left there but
I didn't get it he pro-
mised to send me a note
but he has not done it

their sum in to my hands
\$68 dollars and 85 cts

the first day of Sept
1880 which I paid
for books and sending
the children to school
and their was \$65.35

I collected and brot
to Arkansas with me
I did meet with a favor
a bel of per tainity to
have the money I

~~Ex~~ executed my one
note for the same now
this is correct state-
ment Just as I would
state it if I was be-
fore you if it is Strick-
ly necessary to have the
notes let me no and
I will send them I
don't know what is
the Reason why A. R.
didn't do what he

bring it I verry well
satisfied with the Coun-
try I have got me a
good farm an a nice
one it is level and
rich and as good wa-
ter as any body need
to want I have got the
finest grass I ever
saw in my life

After my kindest
regards to your self
and family hoping
to hear from you soon
this leaves us all
well as common
This from

W. A. Babb
to J. A. Hyatt

415.52
8.85-
65.36-
21.68
\$489.72

promist to do tho he
has endured anything
he promist to do I hear
d that Abe said he
was garnished on the
money he owe I dont
know how that is I can-
get no information abo-
ut any thing from him
I wish you would let
me know how that is
now Mr Hyatt has the
confidence to be lea-
ve you will do me
write in this matter
I will turn back their
in December 1884
if nothing spens to
me that will be as
soon as I can turn
this is a fine farm
her for sale I wish
you would turn an

M^r. A. Babb Guar. Note on A. R. Surgenor March 19th 1881. \$415.52

Interest thereon to March 19th 1882 -

24.93
\$440.45

Interest thereon to March 19th 1883

26.42
\$466.87

Interest to March 19th 1884.

28.01
\$494.88
78.60
\$572.88

Calculation
Surgeon's Note
to March 19 1884



Mr. J. A. Hyatt
Jonesville, Lee Co
Va

(6)

$$\begin{array}{r} 440.45 \\ \hline 6 \\ 2642.70 \\ \hline 418.52 \\ \hline 6 \\ 2498.12 \end{array}$$

$$\begin{array}{r} 466.87 \\ \hline 6 \\ 28,01,22 \end{array}$$

Virginia

A County Court begun and held for Lee County
at the Court house thereof, On Tuesday the 21st day of Aug 1885.
The court doth appoint James J. Muncy Guardian for
Mary J. & Jacob L. Davault. minor heirs heir at law
of R. B. Davault deceased, and thereupon the said Muncy
took the oath prescribed by law, and together with Wm
Jayne his security entered into and acknowledged a
bond in the penalty of one thousand dollars. condi-
tioned according to law.

Attest Jests. John R. Gibson clerk

James J. Mumcy Guar-
dian for Mary J. & Jacob
L. Danautt.

Copy of order of Court.

Virginia

In the Clerk's office of the Circuit Court
for Lee County at the court house thereof on
the 18th day of January 1883.

Thomas J. Ely et als

Plffs

vs.

Wm. A. Babb et als

Defts

In Chancery

The object of this suit, is to have
settlement made of the Guardianship account
of the Defendant Wm. A. Babb, Guardian for
Mary J. Davant and Jacob C. Davant, and
to ascertain the extent of his liability to his
said wards, for which his securities in his
official bond as such Guardian are liable,
and to subject to the payment ~~& the pay-~~
~~ment~~ and discharge of said liability, the
fund in the hands of Defendant A. R. Surgenor
owing to said Babb; and which has been
attached for the purpose; - And it appearing
from an affidavit filed in this cause
that the Defendant Wm. A. Babb is a non
resident of this State it is ordered that
he appear here within one month after
due publication of this order and do
what may be necessary to protect his
interest in this suit.

Copy Dated J. A. Hyatt Clerk

R. D. & Orr. P. Q

Thos. J. Ely et als
vs Ord Pub

Wm. A. Babb et als

I certify that I posted
a copy of the within
Order Publication on
the front door of the
Court house on the
18 day of January 1883
that being Court day
and delivered a like
copy to the Leo Leo
Sentinel on the same
day for Publication
this 18th Jan'y 1883.

J. A. Hyatt
Clerk

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

*Wm A. Babb and A. R.
Surgeon Mary J. Davant and
Jacob C. Davant,*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in
February next, being rule day to answer a bill in Chancery, exhibited in our said Court against

them by *Thos. J. Ely and
J. L. Cecil*

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House

this *17* day of *January* 188*3*; in the *107* year of the Commonwealth.

J. A. Hyatt CLERK.

The officer serving this Spa will attach the
 Estate of the debt, W. A. Babb in this
 State, and the same in his hands
 so to secure & provide that the same
 may be forth coming & liable to the
 future order of the Court.

J. A. Hyatt
 Clerk

Wm. J. Hyatt
 Esq. of the City
 of Philadelphia

Philadelphia, Pa.

February 1853

Enclosed by delivery
 a copy of the within
 I will deliver to
 the W. A. Babb

Chas 134

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

*Mr. A. Babb and
A. R. Surgenor, Mary J. Davault
and Jacob C. Davault.*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

February next, being rule day to answer a bill in Chancery, exhibited in our said Court against

them by *Thos. J. Ely and*
A. Z. J. Cecil

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House
this *1st* day of *January* 1883; in the *10th* year of the Commonwealth.

J. A. G. Hyatt CLERK.

Copy Teste

*J. A. G. Hyatt
Clerk*

The Officer serving this Spa, will attach
the Estate of the Defendant *Wm A. Babb* in
this State and the same ⁱⁿ his hands, so
to secure & provide that the same may
be forthcoming and liable to the future order
of the Court.

A Copy Teste

J. A. Hyatt Clerk

J. A. Hyatt Clerk

Wm A. Babb

Wm A. Babb

Publisher's Certificate.

Jonesville, Va., March 28, 1883

I. F. R. STICKLEY, Publisher of the LEE COUNTY SENTINEL, a weekly newspaper published at Jonesville, Lee County, Virginia, do certify that the annexed Chancery Order was published four successive weeks in said newspaper, publication ending Feb'y 16, 1883

J. R. Stickley, Publisher.

Publisher's fee \$5.00

VIRGINIA—In the Clerk's office of the Circuit Court for Lee county, at the Court House thereof on the 18th January, 1883.
Thomas J. Ely, et als., Plffs., vs. Wm. A. Babb, et als., Defts.

IN CHANCERY.

The object of this suit is to have settlement made of the guardianship account of the decedant, Wm. A. Babb, guardian for Mary J. Davault and Jacob C. Davault, and to ascertain the extent of his liability to his said wards, for which his securities in his official bond as such guardian are liable, and to subject the payment and discharge of said liability the fund in the hands of defendant, A. R. Surgeoner, owing to said Babb, and which has been attached for the purpose, and it appearing from an affidavit filed in this cause that Wm. A. Babb is a non-resident of this State, it is ordered that he appear here within one month after due publication of this order, and do what may be necessary to protect his interest in this suit.

A copy—test:

J. A. G. HYATT, Clerk.
R. D. & ORR, P. Q.

Thos. J. Ely et als
vs. ³ Certificate of
³ D. Pugh
Wm A. Babb

Paid fee - 5¢.

Standing No. 395

—IN—

LEE CIRCUIT COURT.

Pl'ffs ATTY. <i>R. D. M.</i>	<i>Ely Thomas</i>	Def'ts ATTY.
Pl'ffs costs. \$	<i>vs. Bill in</i>	Def'ts costs. \$
.....	<i>Chancery.</i>	
.....	<i>Mr. A. Babbal</i>	
.....	<i>3 years</i>	
.....		
.....		
Total \$		\$

Reference Docket. / Page 32 Line 49

1st calling Term 188

Decided March Term 1884

395